

Chapter 18.55

SECONDARY DWELLING UNITS

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18.55.010 Purpose.

This chapter provides for secondary dwelling units in certain areas and on lots developed or proposed to be developed with single-family dwellings. Such secondary dwellings are allowed because they can contribute needed housing to the community's housing stock. Their inclusion on the same lot as the primary dwelling will tend to diminish their impact on the surrounding area and on services. Thus, it is found that secondary dwelling units do not exceed the allowable density for the lot upon which they are located; and further, secondary units are a residential use which is consistent with the general plan and zoning regulations. (Ord. 884 N.S. § 3 (part), 1988)

18.55.020 Applicability.

Secondary dwelling units shall only be allowed in the following zones:

- A. O-S District: on lots of five acres (net) or more;
- B. R-1 (7,000): on lots of seven thousand square feet or more;
- C. R-1 (9,000): on lots of nine thousand square feet or more;
- D. R-1 (12,000): on lots of twelve thousand square feet or more;
- E. R-1 (20,000): on lots of twenty thousand square feet or more;
- F. R-E (40,000): on lots of forty thousand square feet or more;
- G. R-E (100,000): on lots of one hundred thousand square feet or more. (Ord. 1135 § 59, 1993; Ord. 908 § 1, 1989; Ord. 884 § 3 (part), 1988)

18.55.030 Use Permit Required.

A. Secondary dwelling units shall only be permitted in the R-1 (7,000) and R-1 (9,000) districts after securing a conditional use permit pursuant to the provisions of this Chapter and Chapter 18.54 of the Morgan Hill Municipal Code. A conditional use permit shall not be required where such use is shown on a precise development plan approved under an RPD, Residential Planned Development Overlay District.

B. In the R-1 (12,000), R-1 (20,000), R-E (40,000) R-E (100,000) and O-S districts, secondary dwelling units shall be permitted uses. (Ord 1343 N.S. § 4 (part), 1997)

18.55.040 Use Permit - Additional Findings.

In addition to the findings contained in Section 18.54.050 of the Morgan Hill Municipal Code, the Planning Commission must make the following findings in the affirmative before it may grant a conditional use permit for a secondary dwelling unit:

A. The proposed dwelling conforms or will conform to the provisions and requirements of this Chapter, the local adopted building and fire codes as amended, and the Zoning Ordinance as contained in Title 18 of the Morgan Hill Municipal Code.

B. The design of the secondary dwelling unit is compatible with the design and scale of the existing dwelling and the general character of the neighboring residential properties. (Ord 1343 N.S. § 4 (part), 1997)

18.55.050 Development standards for new secondary dwelling units.

Secondary dwelling units shall be subject to the same requirements as any dwelling located on the same parcel in the same zoning district, with the following differences:

A. Number of Secondary Dwelling Units. One secondary dwelling unit is permitted for each appropriately zoned parcel that contains single-family dwelling.

B. Minimum Lot Area Per Dwelling Unit. The minimum lot area per dwelling unit required by the applicable district shall apply, except as required by the Hillside Combining District, whichever is larger.

C. Maximum Unit Size. No portion of an attached secondary dwelling unit shall occupy more than thirty percent of the existing living area of the primary dwelling.

The total floor area of an attached or detached secondary dwelling unit shall not exceed the following:

1. In the R-1 (7,000), R-1 (9,000) and R-1 (12,000) districts: six hundred forty square feet;

2. In the R-1 (20,000) districts: seven hundred fifty square feet;

3. In the R-E (40,000) district: nine hundred square feet;

4. In the R-E (100,000) and O-S districts: one thousand square feet.

D. Relationship to Primary Dwelling Unit. Secondary dwelling units may be either detached from, or attached to the primary dwelling unit on the property. A detached unit must conform to the building setback and lot coverage limitations contained in the applicable zoning district and shall be setback a minimum of six feet from the primary dwelling unit.

E. Required Off-Street Automobile Parking Spaces. There shall be provided at time of establishment of a secondary dwelling unit, a minimum of one space for a studio or one bedroom secondary unit and a minimum of two spaces for secondary dwelling unit containing two bedrooms, in addition to those required for the primary dwelling unit. Off-street parking spaces for the secondary dwelling unit may be uncovered, but shall conform to all other applicable requirements contained in Chapter 18.50. Off-street parking for a secondary dwelling may be located within the front, side or rear yard areas, provided that the parking spaces are setback a minimum of five feet from any interior lot line and fifteen feet from any side property line on the street side of a corner lot.

F. Design.

1. The design of the secondary dwelling unit shall be compatible with the design and scale of the existing dwelling (using substantially the same landscaping, color, materials and design on the exterior) and the general character of the neighboring residential properties.

G. Septic Tank Disposal System. Detached secondary dwelling units shall provide separate and independent septic tank sewage disposal systems. All leach lines shall be designed and installed in accordance with Bulletin A, "Septic Tank Sewage Disposal System," or other current septic system requirements issued by the Santa Clara County Environmental Health Services. This provision shall only apply in areas of the city where septic tank disposal systems are allowed due to lack of sanitary sewer lines. In other areas of the city, the second unit shall be connected to the sanitary sewer system through the existing lateral line serving the primary dwelling unit.

H. Local Street Standards. Secondary dwelling units may be allowed in all areas of the city as provided herein where local street access meets minimum city standards. Minimum city standards for public streets require the public right-of-way measure at least fifty feet in width, and for the curb-to-curb distance to measure at least forty feet in width. Secondary dwelling units may be located in areas which contain private streets, provided the private streets conform to minimum public street standards.

I. Maximum Number of Bedrooms. No more than two bedrooms may be constructed in a secondary dwelling unit. (Ord. 1343 N.S. §§ 5, 6 & 7, 1997; Ord. 1135 N.S. §§ 58, 60, 61, 62, 63, 64 & 65, 1993; Ord. 958 N.S. § 1, 1989; Ord. 908 N.S. §§ 6, 7, 1989; Ord. 884-A § 1, 1989; Ord. 884 § 3 (part), 1988)